

REMARKS

Claims 7, 9-14, 16, 27-37 and 41-54 are pending in this application. By this Amendment, claims 1-6, 8, 15, 17-26 and 38-40 are canceled, claims 7, 9-14, 16, 27-37 and 41 are amended and claims 42-54 are added.

The Office Action rejects claims 40 and 41 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter.

In reply, claim 40 is canceled and claim 41 is amended herein to more thoroughly recite a tangible result: initiation a location process in a wireless communication device to determine a location of the wireless communication device. It is therefore respectfully submitted that claim 41 as amended sufficiently recites a tangible result for purposes of 35 U.S.C. 101.

The Office Action rejects claims 1-4, 7-10, 14, 15, 17-22, 24, 25, 27, 28, 30-32, 35-37 and 39-41 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 7,019,663 to Sharony (hereinafter the "663 patent"). The Office Action rejects claims 5, 6, 11-13, 16, 23, 16, 29, 33, 34 and 38 under 35 U.S.C. 103(a) as being allegedly unpatentable over Sharony in view of U.S. Patent No. 6,560,461 to Fomukong et al. (hereinafter the '461 patent).

The '663 patent is directed to an RF tracking system that uses a high power signal to make contact with the device, and then a lower power signal to perform a location procedure for the device. The '461 patent is directed to authorization based location reporting paging system for determining and reporting the location of a selective call receiver device (i.e., pager). In particular, the '461 patent teaches the concept of permitting a user of the selective call receiver device authorize to whom the location information about the selective call receiver may be reported.

By contrast, claims 16 and its dependent claims 7 and 9-14 are directed to a method whereby the user of the device whose location is to be determined specifies, identifies or designates the party to whom the location information of the device may be conveyed. To this end, claim 16 recites "receiving from a user of the device information including an identifier of a party that the user designates is to receive location information for the device generated by the wireless LAN location process". While the '461 patent has been cited for its alleged teaching of

allowing a device user to authorize the release of its location to a requesting party, the '461 patent does not teach or suggest receiving information from the device user himself/herself that specifies or identifies the party that is to receive the location information of the device. That is, the '461 patent teaches that the party who sent the paging message receives the location information if authorized by the pager device user, but it does not teach that the wireless communication device user supplies the information to identify the party who is to receive the location information. In other words, "authorizing" release of the location information to a party who has already sent a paging message to the pager device is not the same or even suggestive of receiving from user of the wireless communication device to be located information of the party to whom the location information is to be sent. As admitted in the Office Action, the '663 patent also makes no teaching or suggestion of receiving from the wireless communication device user information identifying the party to whom the location information is to be reported.

For these reasons, it is respectfully submitted that claim 16 and its dependent claims 7 and 9-14 are patentable over above the cited references of record.

Furthermore, independent claims 27, 36 and 41 have been amended to more clearly point out the feature of the location process being initiated by a command received from the user of the wireless communication device as disclosed in FIG. 3 and corresponding text of the specification. Dependent claims 28-35 and 37 and newly added dependent claims 42-54 recite further details of the second concept and are fully supported by the specification at page 5, lines 2-4; page 7, lines 22-29 and page 8, lines 6-18.

Neither the '663 patent nor the '461 patent teach or suggest that the wireless communication device user initiates the location process. The Office Action points to column 2, lines 61-67 of the '663 patent for a passage that is allegedly relevant to this concept. However, as clearly stated in the '663 patent, the RF tag 30 receives the HPM signal and generates a response signal. Thus, the RF tag in the '663 patent does not initiate the location process; it is initiated by some other entity that causes the transmission of the HPM signal, and only after and in response to receiving the HPM signal does the RF tag transmit the response signal. Moreover, there is no "user" per se for the RF tag and the RF tag is not designed to receive a command

from a user, whereas the wireless communication device of the present invention is a device that can initiate an action, i.e., transmit a message or make a call. Similarly, while the '461 patent teaches the ability of a pager device user to authorize who may know the location of the pager device, it does not teach or suggest that the pager device user can initiate the location process.

For these reasons, it is respectfully submitted that independent claims 27, 36 and 41 and dependent claims 28-35, 37 and 42-54 are patentable over the references of record.

Based upon the foregoing, it is respectfully submitted that the present application is in condition for allowance. No fees are believed to be due because the number of claims that have been canceled exceeds the number of claims that have been added by this Amendment. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned so that the present application may receive a prompt Notice of Allowance.

Applicant hereby petitions for any extension of time that may be necessary to maintain the pendency of this application. The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

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